

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of :

**Puerto Rico Electric Power Authority,
San Juan Plant
P. O. Box 363549
San Juan, PR 00936-3549**

Respondent

MOTION

Index No. CAA-02-2009-1221

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 JAN 22 PM 3: 15
REGIONAL HEARING
CLERK

**Joint Informative Motion Requesting Extension of Time to File
Executed Consent Agreement and Final Order**

COME NOW Complainant, the U.S. Environmental Protection Agency, and Respondent, Puerto Rico Electric Power Authority, through the undersigned attorneys (together, the "Parties"), and respectfully allege, pray and request as follows:

On December 2, 2009, the Hon. William B. Moran, issued a Prehearing Order directing the Parties to simultaneously submit their initial prehearing exchanges by February 1, 2010.

On January 15, 2010, the Parties reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

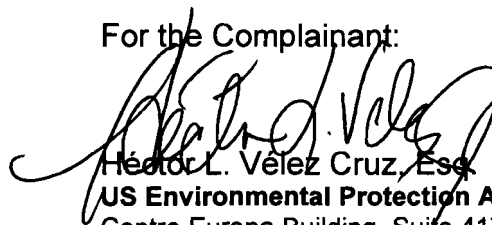
The Parties continue to be engaged in settlement discussions in order to reach an agreement as to the final language and terms of the CA/FO. Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region

2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

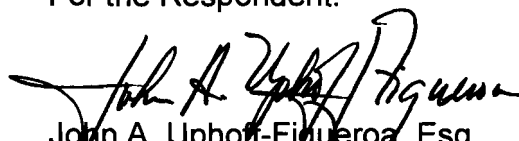
This Motion has been filed today in order to have the Honorable William B. Moran take notice of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties, in order to finalize a fully executed CA/FO the Parties request the Honorable Administrative Law Judge until March 20, 2010, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

Respectfully submitted, in San Juan, Puerto Rico, this 20th day of January, 2010.

For the Complainant:


Héctor L. Vélez Cruz, Esq.
US Environmental Protection Agency, R2
Centro Europa Building, Suite 417
1492 Ponce de León Ave.
San Juan, PR 00907-4127
Tel. 787-977-5850
Fax. 787-729-7748
velez.hector@epa.gov

For the Respondent:


John A. Uphoff-Figueroa, Esq.
Commonwealth of Puerto Rico
Puerto Rico Electric Power Authority
P. O. Box 364267
San Juan, Puerto Rico 00936-4267
Tel. (787) 521-4195
Fax (787) 521-4085
j-uphoff@prepa.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of :

Puerto Rico Electric Power Authority,
San Juan Plant
P. O. Box 363549
San Juan, PR 00936-3549

Respondent

MOTION

Index No. CAA-02-2009-1221

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Joint Informative Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order*, dated January 20, 2010, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

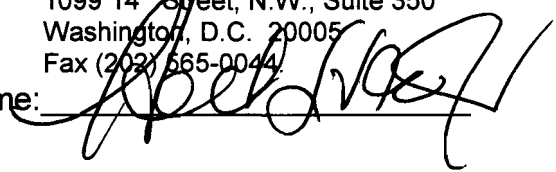
Copy **Hand Delivered** to:

Attorney for Respondent:
John A. Uphoff-Figueroa, Esq.
Commonwealth of Puerto Rico
Puerto Rico Electric Power Authority
P. O. Box 364267
San Juan, Puerto Rico 00936-4267
Tel. (787) 521-4195
Fax (787) 521-4085
j-uphoff@prepa.com.

Copy by facsimile, **Overnight Mail** to:

Administrative Law Judge:
Honorable William B. Moran
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044

Name: _____



Date: _____

1/20/10